APPENDIX

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MONSANTO COMPANY,
Plaintiff,

v.

HOMAN MCFARLING,
Defendant.

Case No. 4:00CV84 CDP
[STAMP: FILED Nov. 15, 2002]

FINAL JUDGMENT UNDER RULE 54(B)

In accord with the Order entered this same date,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that final judgment pursuant to Rule 54(b), Fed. R. Civ. P., is entered as follows: Plaintiff Monsanto Company shall have judgment against defendant Homan McFarling in the amount of $780,000.00 as final judgment on plaintiff's claim for breach of the 1998 contract, as contained in Count III of plaintiff's complaint.

/s/
Catherine D. Perry
UNITED STATES DISTRICT JUDGE

Dated this 15th day of November, 2002.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MONSANTO COMPANY,
Plaintiff,

v.

HOMAN MCFARLING,
Defendant.

Civil Action No.: 4:00CV00084CDP
[STAMP: FILED Dec. 12, 2002]

DEFENDANT'S NOTICE OF APPEAL

PLEASE TAKE NOTICE that Homan McFarling hereby appeals to the United States Court of Appeals for the Federal Circuit the Order granting Monsanto's Supplemental Motion for Summary Judgment and the Final Judgment Under Rule 54(b) entered on November 15, 2002.

Respectfully submitted,

WAIDE & ASSOCIATES, P.A.

BY: /s/
Jim Waide
MS BAR NO.: 6857

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ATTORNEYS FOR DEFENDANT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MONSANTO COMPANY,
Plaintiff,

v.

HOMAN MCFARLING,
Defendant.

Civil Action No.: 4:00CV00084CDP
[STAMP: FILED Jan. 21, 2003]

DEFENDANT'S SUPPLEMENTAL NOTICE OF APPEAL OF COURT'S DISMISSAL OF DEFENDANT'S COUNTERCLAIM

Notice is hereby given that the Defendant / Counterclaimant, Homan McFarling, hereby appeals to the United States Court of Appeals for the Federal Circuit from the Order dated November 5, 2002 dismissing his counterclaim, which Order became final on January 14, 2003, when this Court entered its final judgment pursuant to Federal Rules of Civil Procedure 54(b). McFarling has previously filed an appeal on December 12, 2002 of this Court's granting summary judgment on Plaintiff's breach of contract claim. This supplemental notice is filed in order to appeal the dismissal of McFarling's counterclaim.

Witness my signature, this 17[th] day of January, 2003.

Respectfully submitted,

WAIDE & ASSOCIATES, P.A.

BY: /s/
Jim Waide
MS BAR NO.: 6857